

REMARKS

The Office Action of August 26, 2010 has been carefully considered.

Objection has been raised to the drawings on the basis that the reference marks on the base should be labeled.

Submitted herewith is a revised Fig. 3 with the reference marks labeled as "17a." Page 6 of the specification has been amended in accordance with the revised drawing.

Applicants have also submitted a revised Fig. 1 in which reference marks have been added and designated as "17." This amendment is in accordance with paragraph [0008] of the application as published, which discloses a desired referencing being embossed on the duplicate. Page 5 of the specification has been amended in accordance with the revised drawing.

Objections have been raised to claims 13 and 14. Claim 13 has been amended to add a comma, thus clarifying that geometry of each duplicate section or each duplicate/base plate section is measured with a sensor. The requested correction has been made to claim 14.

Claims 13-16 have been rejected under 35 USC 112, 1st paragraph, as failing to comply with the written description requirement. The Office Action alleges that imaging a duplicate section which is not attached to a base plate section is not supported by the specification.

Applicants recognize that the description of the drawings in the specification is directed to imaging the duplicate sections attached to a base plate. However, claim 1 as originally filed did not require any base plate; claim 2 limited claim 1 by requiring that the duplicate be attached to a base plate with references.

Similarly, paragraph [0007] of the application as published disclosed that "the invention essentially provides that the removed duplicate sections are individually

referenced to each other according to a reference system stored in the computer and which is dependent on the duplicate, and that these data are linked for determining the form of the dental restoration in the computer with the form data of the duplicate sections. In other words, the invention provides that the duplicate sections are or are being referenced individually to each other in their spatial allocation according to a reference system stored in the computer.”

No mention is made of a base plate in this paragraph, which states only that the duplicate sections are individually referenced.

Thus, the invention as broadly stated in the specification as filed contemplated that the process could be carried out without attachment of the duplicate to a base plate. The first mention of a base plate can be found in paragraph [0010] of the application as published, where it was stated that “[t]he referencing does not occur via the duplicate itself, as this is the case in the state of the art. Rather the duplicate is preferably aligned to a seat such as a holding device, particularly a base plate holding the duplicate, which in turn is referenced.”

Further, paragraph [0012] of the application as published stated “[f]or referencing it is particularly planned that the duplicate is mounted on a reference containing base plate, which is split apart, for example by sawing. The individual base plate sections thereby exhibit the required references to ensure a geometric or spatial allocation of the duplicate sections, which have to be scanned separately.”

Accordingly, Applicants submit that mounting the duplicate on a base plate was considered a preferred embodiment, but that the application as filed contemplated that duplicate sections could be mounted on a holding device for imaging, as is recited in claim 13.

Hence, claim 13 as filed is supported by the specification as filed, and withdrawal of this rejection is requested.

Claims 13-26 have been rejected under 35 USC 112, 2nd paragraph, as being indefinite.

Applicants note initially that the claims have been amended to change "support means" to "base plate," as "base plate" was the term used in the specification. However, Applicants further note that this amendment does not constitute any change in the scope of the claims.

Claim 13 recites two alternative embodiments of the invention, as noted in the Office Action. In a first embodiment, the duplicate sections are provided with the referencing, and the duplicate sections are scanned to determine geometry.

In the second embodiment, duplicate/base plate sections are obtained, each duplicate/base plate section being formed of a duplicate section attached to a base plate section, and each duplicate/base plate section is placed in a holder and scanned. In this embodiment, the referencing can be on the base plate sections.

Claim 14 recites a series of process steps, in accordance with the second embodiment. Claim 14 has been amended to specifically reference the steps which have been previously recited in claim 13, thus clarifying the steps which are duplicate steps from claim 13.

With regard to the term "duplicate or duplicate/base plate section," this concept is discussed as noted in the Office Action in the third paragraph on page 6 of the specification, corresponding to paragraph [0037] of the application as published. Note however, the statement that "[t]he model sections 24 of the dental model 21 therefore consist of a duplicate section 26, as well as a section 28 of the base plate 16."

Thus, it is clearly explained in the specification that a model section 24 includes a duplicate section 26 and a base plate section 28. The term "duplicate/base plate section" as used in claim 13 therefore corresponds to the "model section" as described in the specification, but the term "duplicate/base plate section" is thought to be self explanatory, whereas the term "model section" would need to be further defined if used in claim 13.

Contrary to the statement made in the Office Action, the term "duplicate section" does not relate to a structure including a base plate section; the term "model section" applies to the structure including a base plate section.

Withdrawal of this rejection is requested.

Claims 13-26 have been found to be allowable over the art of record.

Applicants submit that the application is now in condition for allowance. If the Examiner believes that further amendments to the claims are necessary before the application can be allowed, she is invited to telephone the undersigned attorney to discuss such changes before taking further action.

Respectfully submitted,



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